

A RESOLUTION

01-R-1793

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$20,511.54 IN SETTLEMENT OF THE CLAIM
OF CALLIE AND ROBERT HILL AGAINST THE CITY OF
ATLANTA**

WHEREAS, Callie and Robert Hill have filed a claim against the City of Atlanta seeking damages arising out of a sanitary sewer back up and storm sewer overflow to their property located at 111 Rockyford Road; and

WHEREAS, the property owned by Callie and Robert Hill has been damaged due to several occurrences of sanitary sewer back ups and storm sewer overflows due to the blockages of the sewer mainline which the City had knowledge of prior to the overflow that occurred on September 21, 2000, specifically; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimants have asserted damages in the amount of \$26,087.53 but have agreed to accept the sum of \$20,511.54 in full and complete satisfaction and settlement of their claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Callie and Robert Hill be settled for the sum of \$20,511.54.

WHEREAS, this claim was previously adversed by the Council of the City of Atlanta, Georgia at its meeting held on April 2, 2001.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 01-R-0513 be hereby rescinded and that \$20,511.54 be paid by the City of Atlanta in satisfaction of any and all claims Callie and Robert Hill owners of property located at may have stemming from damages sustained to their property on September 21, 2000.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the amount of \$10,255.77 from account number 2J01/529017/T31001 and pay the amount of \$10,255.77 from account number 1A01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

NOV 05, 2001

NOV 14, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0006

Date: October 17, 2001

Claimant /Victim CALLIE AND ROBERT HILL

BY: (Atty) Lamonte E. Scott

Address: P. O. Box 812, Atlanta, Georgia 30301

Subrogation: _____ Claim for Property damage \$ **26,087.53** Bodily Injury \$ _____

Date of Notice: 12/22/00 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/21/00 Place: 111 Rockyford Road

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants' property was damaged due to a sanitary sewer and storm sewer back up. The investigation determined that the Hills' property was damaged due to a blocked sewer mainline and that the City is on notice of a continuing problem with the mainline prior to the back up occurring on September 21, 2000.

INVESTIGATION:

Statements: City employee X Claimant X Others Written Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 20,511.54 Adverse Account charged: 1A01 X 2J01 X 2H01

Claims Manager: [Signature] Concur/date 10-24-01

Committee Action: _____ Council Action _____

RCS# 3230
11/05/01
4:57 PM

Atlanta City Council

Regular Session

01-R-1793 \$20,511.54 in settlement of Callie
 & Robert Hill
 ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

NV	McCarty	Y	Dorsey	Y	Moore	Y	Thomas	
	Y	Starnes	Y	Woolard	Y	Martin	Y	Emmons
NV	Bond	Y	Morris	Y	Maddox	Y	Alexander	
	Y	Winslow	Y	Muller	Y	Boazman	NV	Pitts

01-R-1793

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$20,511.54 IN SETTLEMENT OF THE
CLAIM OF CALLIE AND ROBERT
HILL AGAINST THE CITY OF
ATLANTA

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY ADOPTED BY

NOV 05 2001

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER COUNCIL
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

Committee *Public Safety*
Date *10/30/01*
Chair _____
Referred to _____

Committee *Public Safety*
Date *10-30-01*
Chair *Clara Henderson*
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
NOV 5 2001
ATLANTA CITY COUNCIL PRESIDENT
Ronald R. Pittman

CERTIFIED
NOV 05 2001
Ronald R. Pittman
MUNICIPAL CLERK

MAYOR'S ACTION

ADOPTED
NOV 14 2001
Mayor